

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board
Meeting Minutes
May 15, 2003**

The May 15, 2003 Citizens Advisory Board (CAB) meeting was held at the CAB office in Paducah, Kentucky at 5:30 p.m.

Board members present: Mark Donham, Richard Dyer, Fred Jones, Merryman Kemp, Ricky Ladd, Ronald Lamb, Linda Long, Douglas Raper, John Russell, Jim Smart, Bill Tanner, John Tillson, and Rev. Gregory Waldrop.

Board members absent: Vicki Jones, Rebecca Lambert, Craig Rhodes, Rosa Scott, and Dorothy Starr.

***Ex Officio* members and related regulatory agency employees present:** Gaye Brewer, Jon Maybriar, Janet Miller, and Tuss Taylor, Kentucky Division of Waste Management, Tim Kreher, Kentucky Department of Fish and Wildlife, Carl Froede, Jr., U.S. Environmental Protection Agency, Region IV.

The Deputy Designated Federal Official present: Dianna Feireisel for Don Seaborg.

The DOE Federal Coordinator present: David Dollins was absent.

DOE-related employees present: David Allen, Gary Bodenstein, Rich Bonzcek, Greg Cook, Jim Ethridge, Greg Felts, Bruce Ford, Mitch Hicks, Steve Kay, Ricky Keeling, Stan Knaus, Lynn Link, Dave Massey, Kendra Payne, Walter Perry, Bruce Phillips, Glenn Van Sickle, Tara Troutman, Ken Webb, Tom Wheeler, and Stacey Young.

Public: Catina Johnson, Charles Jurka, and Vicki Jurka

Agenda

Kemp called the meeting to order at 6:05 p.m. Kay asked if there were any proposed modifications. Kemp reported that Alan Stokes, DOE, would not be presenting and suggested that Rich Bonzcek, Science Applications International Corporation, give a presentation on Risk Assessments. **The Board approved the modified agenda by consensus.**

Minutes

Kay asked if there were any proposed modifications to the April draft minutes. There were no modifications. **The Board approved the minutes by consensus.**

Deputy Designated Federal Official's Comments

Dianna Feireisel represented Don Seaborg, who is on special assignment.

ES&H Issues

Feireisel reported DOE has received a Notice of Violation (NOV) from the State of Missouri for failing to pay an annual registration renewal fee for shipping. She said since future shipments to Missouri are not anticipated, DOE has decided not to renew their registration.

Feireisel stated the Nevada Test Site (NTS) notified Bechtel Jacobs Company LLC (BJC) on May 6 of a possible Department of Transportation violation due to labeling and placarding. NTS reported eight shipments from Paducah were not labeled and placarded correctly. Feireisel also said four truck beds out of eight were discovered to have fixed contamination. In response, BJC has suspended all shipments to NTS. Feireisel said an investigation is underway.

Budget Updates

Feireisel stated all budget information was presented by Bill Murphie to the Long-Range Strategy/Stewardship Task Force on May 8.

Project Updates

Feireisel reported DOE has invoked informal dispute with the Commonwealth of Kentucky and the U.S. Environmental Protection Agency (EPA) on the Sampling and Analysis Plan (SAP) for the North-South Diversion Ditch (NSDD). She stated DOE met with regulators earlier that day but that nothing was resolved. Feireisel also reported a fault study for the C-746-U Landfill has been approved.

Questions:

Depleted Uranium Hexafluoride (DUF₆) Cylinders – Ladd inquired about the funding for the DUF₆ Conversion Facility. Feireisel said the project received less funding than requested.

NSDD – Tanner asked if the dispute was only over sampling. Feireisel said DOE is following EPA guidelines on sampling but that Kentucky would like to see more sampling done. Tanner said he understood the dispute to be over sampling. Taylor stated DOE has done a certain amount of in-situ sampling already. He said Kentucky's position is that not enough sampling has been done to characterize waste for disposal in the C-746-U Landfill. Tillson asked if any of the sampling done so far indicates F-039 listed waste, specifically metals, as being over the limits set for disposal in the landfill. Taylor said metals have been detected but that a limit had not been set at this time to determine if the samples exceed limits. He also said he expects DOE to apply for a contained-in determination on particular metals.

Six-Phase Treatability Study - Donham said he had heard the project was experiencing heating difficulty and asked how the project was progressing. Van Sickle said recent repairs were successful. The repair will allow all electrodes to reach full power. Bodenstein said the system is heating successfully and has reached 95 degrees Celsius. Tanner asked at what depth the system is currently heating. Bodenstein said the electrodes reach 95 feet, which is the bottom of the regional gravel aquifer. He said approximately 1,500 gallons of trichloroethylene (TCE) have been removed from the ground to date.

CAB Recommendation Status

Feireisel reported DOE would not be able to respond to the Landowner Compensation Recommendation at this time due to litigation issues. She said it would probably be the first of next year before they would respond.

Other

Feireisel stated DOE would be transmitting the new version of the Site Management Plan (SMP), including new milestones, on May 16, 2003. Donham said Bill Murphie, DOE, stated at the Long-Range Strategy/Stewardship that there was a new directive from Jessie Roberson, DOE, that once an agreement is signed on the scope of cleanup, it would be difficult to expand the scope. He said Murphie explained a change in scope would have to be approved through DOE Headquarters. Feireisel said Roberson is working toward an agreement on scope. She said what Murphie was referring to is that if a completely new piece of scope is added, it must go through the Headquarters approval process. Taylor said the current SMP does not have the completed scope beyond 2005. He said some projects have not been addressed, but that DOE and regulators have until September 15, 2003 to agree. Donham said the Board should look into the issue and be able to provide input.

Federal Coordinator Comments

There were no Federal Coordinator Comments.

Ex-Officio Comments

Taylor reported DOE is conducting sampling in the C-746-U Landfill in response to an NOV. DOE received the violation due to F-listed waste being placed in the landfill. Taylor said DOE would like a contained in determination.

Froede stated EPA Region IV has sent a letter to DOE requesting the name of DOE's Federal Facility Agreement (FFA) Project Manager. He said the only other concern is the NSDD dispute.

Administrative Issues

Establish Ad Hoc Committee for Chairs' Meeting Preparation

Kemp reported Paducah would be hosting the next Chairs' Meeting on September 25-27, 2003. She explained the event would take a lot of preparation and work. She asked if anyone would like to serve on the committee. Kemp, Long, Raper, and Tanner volunteered.

June Dinner Meeting

Kemp stated the dinner meeting scheduled for June 20, 2003 will be at 6 p.m. at Tribeca, which is located downtown Paducah. Kay asked if there were any proposed agenda items. Raper said the Board should discuss the Annual Report. Fred Jones said he would like to discuss media relations and the visibility of the Board to the community.

Review of Workplan

Kay asked if the Kentucky Pollutant Discharge Eliminate System (KPDES) Permit should be a placeholder for June. Taylor said the permit has not been drafted. Tanner said he expects the permit to be drafted by the end of June. He suggested leaving KPDES Permit as a placeholder for June and July. Maybriar said Dr. Birge, University of Kentucky, may be able to make his presentation in July.

Feireisel said DOE would be able to give a presentation to the Board on the recently set milestones that are included in the SMP Dispute Resolution.

Kemp asked if the Board still had the option to receive a presentation regarding conflict of interest. Feireisel said there still might be an issue with travel funding, but that she would check.

Review of Next Month's Agenda

Kay reported the KPDES Permit is listed on next month's agenda as well as discussion of the scoping process and the SMP milestones. He asked if there were any other modifications. Kemp said the June Dinner Meeting should be on the agenda. She also said the Chairs' Meeting Ad Hoc Committee might have news to report.

Smart asked if someone from DOE would be present to respond to comments and answer questions regarding the scoping process. Feireisel said yes. Waldrop said it would be an opportunity for Kentucky and the EPA to present their priorities for cleanup scoping. Froede said EPA is currently working on setting their priorities. He said the Board should be able to see a list of cleanup projects anticipated for cleanup under the FFA. Froede said the Board could set their own priorities for cleanup. Russell said the Board should see the anticipated proposal and be allowed to provide comments. Feireisel said there is no proposal at this time.

Kay said the Board could make a recommendation to the DOE asking for public involvement in the scope setting process. Russell said the Board should request that DOE provide a draft of the proposal for scope of cleanup at the same time that it is submitted to regulators. Kay explained the Board has a policy to introduce a recommendation and seek approval at the following meeting. He asked if the Board would like to waive that procedure. **The Board agreed to waive the procedure.**

Kay stated there is proposal to make a recommendation to DOE requesting they provide the Board, at the same time as regulators, the proposed scope for cleanup. He asked if there were any questions or concerns. There were no comments. **The Board approved by consensus.**

Action Items

Russell reported the Waste Operations Task Force would like to receive Resource Conservation and Recovery Act (RCRA) training instead of hiring a technical expert. The action item can be closed.

Link stated a public meeting regarding the KPDES permit has not been set.

Tanner said the Long-Range Strategy/Stewardship Task Force will consider the policy for task force meeting cancellations at their June meeting.

Comments

Donham said the Community Concerns Subcommittee has made a request to DOE regarding information about smelter activities. Payne stated DOE is working on a response to the request.

Tillson distributed a document, titled *Revised Preliminary Assessment/Site Investigation and Solid Waste Management Unit Assessment Report for Solid Waste Management Unit 3*, to the Board.

Waste Environmental Assessment Addendum Public Comment Period

Bodenstein gave a brief background presentation. He stated the public comment period ends on June 4, 2003.

Comments:

Donham said there has never been a site-wide Environmental Impact Statement that looks into the cumulative impacts involved with cleanup activities for the Paducah Site. Donham also stated the Addendum does not address waste disposal and transportation.

Jurka reported she has commented on several recent documents, but has not received any responses to those comments. Allen said the comment responses could be found in the appendix to the document. Jurka said she had not received the final version of the documents. Bodenstein and Allen said they would follow up on the issue. Jurka also said she is concerned about the volume of waste that is planned for disposal in the C-746-U Landfill.

Risk Assessments Presentation

Rich Bonzcek presented to the Board the process for developing risk assessments.

Questions:

Donham asked how exposure limits are set. Bonzcek explained some exposure levels for certain toxins are based on the best available science, but that there are some toxins that are not supported by science. He said a default exposure level is used in those situations. Donham also asked what the process is for modeling and if it is accurate. Bonzcek said the modeling guidelines are listed in the Exposure Assessment Handbook. He stated all risk assessments are hypothetical estimates of what may happen. Donham asked if there was a margin of error. Bonzcek said yes.

Water Task Force

Smart reported the Task Force met on May 2 to discuss the Surface Water budget, the Six-Phase project status, and the KPDES Permit.

Tanner said some outfalls are permitted to DOE and some to the United States Enrichment Corporation. He asked what plant processes, conducted by DOE, provide water discharge. Feireisel said most of the water discharge is a result of storm water runoff and groundwater treatment. Tanner said Kentucky State law stated that to receive discharge permit for storm water runoff, the permittee must certify that existing sewer lines do not leak. He stated DOE's permitted sewers are listed as process discharge allowing DOE to discharge water without certifying that sewer lines are free of leaks. Tanner said the Commonwealth of Kentucky is not enforcing this law. In regard to the DUF₆ Conversion Facility, Tanner said sewer lines can be extended, but DOE will have to certify that the sewer lines do not leak.

Long Range Strategy/Stewardship

Raper reported Bill Murphie attended the May 8 meeting and provided the task force with budget information. Kemp encouraged Board members to read the minutes for that meeting.

Raper inquired about changes in the Board's monthly budget report. Young said funding had been moved from line item to another to cover travel costs. She said she would be available after the meeting to discuss the budget in further detail. Raper also asked if the Board has received funding from DOE Headquarters to assist in hosting the Chairs' Meeting. Young said Dollins has been in contact with Fred Dowd regarding the issue.

Membership, Nomination and Public Involvement

Kemp stated the committee reviewed membership applicants on the waiting list. There are currently three applicants in the membership pool. Kemp and Lambert said they would like to increase the number of applicants in the pool. Lambert polled committee members, via telephone, for their approval to begin the membership recruitment process. The committee agreed by consensus to begin the process.

Kemp and Lambert reviewed the current membership applications. They requested that a clause be added to say the Board is accepting application for future membership.

Waste Operations Task Force

Russell reported the Task Force met the previous evening. He said the minutes from that meeting are not included in the packet, due to the lack of time. Russell stated the Risk Assessment presentation was originally planned for the Waste Operation Task Force. Due to attendance, the group decided to have the presentation at the Board meeting. Russell added that the group did have discussion regarding ongoing projects.

The meeting adjourned at 9:00 p.m.